

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

RBH ENERGY, LLC,	§	Case No.: _____
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
GHS PARTNERS IN HEALTH, INC.	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

**ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff RBH Energy, LLC (“RBH”), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendant GHS Partners in Health, Inc. (“GHS”), and requests relief from this Court based on the following:

**THE PARTIES**

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at 112 N. Bailey Ave. #B, Fort Worth, TX 76107.

2. GHS is a South Carolina non-profit company with its principal place of business located at 701 Grove Road, Greenville, South Carolina 29605-4210. It may be served through its registered agent for service of process, Joseph J. Blake, Jr. who is also located at 701 Grove Road, Greenville, South Carolina 29605-4210.

**JURISDICTION AND VENUE**

3. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

4. This Court has jurisdiction over Plaintiff’s claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a).

**BACKGROUND**

6. RBH realleges paragraphs 1 through 5 as if fully set forth herein.

7. RBH is the owner of U.S. Copyright No. VAu 1-023-157 (“Copyright”) titled Brian Harness Photography Collection 2010 Vol. I. A true and correct copy of the copyright is attached hereto as Exhibit A.

8. The named artist of the Copyright is Brian Harness (“Harness”). *See id.*

9. On September 10, 2015, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B at ¶ 5.

10. Harness, a professional photographer, is the sole member of RBH.

11. In early 2010, Harness licensed a photograph of the interior of a Caris Life Science facility to Texas-based construction firm Scott + Reid. A copy of this photograph, which was filed as part of the Copyright, is depicted below:



12. Defendant GHS, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its website: <http://www.itor-ghs.org/private-sector-innovation-relationships.php>. A true and correct copy of a screenshot of this web page is attached hereto as Exhibit C.

## Private Sector Innovation Relationships



### Caris Life Sciences

The Institute for Translational Oncology Research (ITOR) of Greenville Health System (GHS) was one of the first sites in the nation to offer Target Now®, a comprehensive tumor analysis coupled with an exhaustive clinical literature search, which matches appropriate therapies to patient-specific biomarker information to generate an evidence-based treatment approach.

Caris Life Sciences™ is a leading biosciences company specializing in the development and commercialization of the highest quality pathology services, molecular profiling, and blood-based diagnostic technologies.

In June 2010, the **Caris Registry** was initiated. ITOR of GHS entered the first patient case into the registry, and is the largest contributing site in the country.

This registry is an observational registry that contains patient molecular profiling data, treatment histories and clinical outcomes. The data are derived from the Target Now series of tests offered by Caris Life Sciences. Specifically, the objectives of the registry are:

1. Identify new molecular associations
2. Demonstrate the utility of therapeutic decisions guided by the Target Now results
3. Capture drug response and clinical outcomes
4. Serve as a platform for further studies



<http://www.itor-ghs.org/private-sector-innovation-relationships.php>

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13. The photograph, noted above, remained on GHS's website until sometime after July 16, 2013.

14. Because GHS had no permission to use the protected photograph, GHS is liable for direct copyright infringement.

**COUNT 1 – COPYRIGHT INFRINGEMENT**

15. RBH realleges paragraphs 1 through 14 as if set fully herein.

16. RBH alleges GHS is liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

17. RBH has been damaged by GHS's actions.

**DEMAND FOR JURY TRIAL**

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

**DEMAND FOR RELIEF**

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

- a. Defendant GHS Partners in Health, Inc. be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
- b. Defendant GHS Partners in Health, Inc. be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- c. Defendant GHS Partners in Health, Inc. pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- d. Defendant GHS Partners in Health, Inc. pay pre-judgment and post-judgment interest on any damages awarded; and
- e. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: July 13, 2016

Respectfully submitted,



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Glenn E. Janik, Lead Attorney

State Bar No. 24036837

Rajkumar Vinnakota

State Bar No. 24042337

**JANIK VINNAKOTA LLP**

Gateway Tower

8111 LBJ Freeway, Suite 790

Dallas, TX 75251

Tel.: 214.390.9999

Fax: 214.586.0680

[gjanik@jvllp.com](mailto:gjanik@jvllp.com)

[kvinnakota@jvllp.com](mailto:kvinnakota@jvllp.com)

**ATTORNEYS FOR PLAINTIFF  
RBH ENERGY, LLC**